

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

In re:

JOHNNY MARCANO,

Debtor.

Case Number: 24-30108

Chapter 7

**TRUSTEE’S MOTION FOR ORDER CLOSING THIS CASE
WITHOUT A FINAL REPORT OR REPORT OF NO DISTRIBUTION**

A. Cotten Wright, the chapter 7 trustee in this case (the “Trustee”) hereby presents this *Trustee’s Motion for Order Closing this Case Without a Final Report or Report of No Distribution* (this “Motion”), and in support, respectfully shows the Court as follows:

BACKGROUND

1. On February 1, 2024 (the “Petition Date”), the debtor (the “Debtor”) filed a voluntary petition for relief pursuant to chapter 7 of the United States Bankruptcy Code, initiating the above-referenced bankruptcy case (the “Case”). (Doc. No. 1). The Debtor brought his Case without the benefit of counsel.

2. Trustee Heather W. Culp (“Trustee Culp”) was appointed to administer the Debtor’s Case.

3. Among the representations that the Debtor made in his initial filing was the following statement in Schedule J: “I expect to Regain control of ALL TITLES, RIGHTS, INTEREST, and Equity due to the PRINCIPAL.” (Doc. No. 1 at 14).

4. Likewise, in amended papers filed on February 28, 2024 (the “Amended Papers”), the Debtor stated that he is “Reclaiming All titles, Rights, Interest & Equity due to Principal.” (Doc. No. 19 at 11-12).

5. The Debtor's Amended Papers listed three creditors as holding unsecured claims as follows:

Credit One Bank
6801 Cimarron Road
Las Vegas, NV 89193-8871
(Claim scheduled for \$700)

Self/Lead Bank
515 Congress Avenue Suite 1550
Austin, TX 78701
(Claim scheduled for \$190)

Celtic Bank
268 South State Street, Suite 300
Salt Lake City, UT 84111
(No claim amount was provided)

(Doc. No. 19 at 22).

6. One notice of appearance has been filed in this Case by Kevin Raus representing Amber Lake Apartments, LLC (Doc. No. 26), and that entity has filed the only proof of claim, Claim No. 1 on the Claims Register.

7. On March 19, 2024, and again on April 30, 2024, the Debtor filed lists of additional creditors; however, the Debtor did not amend his Schedules D or E/F to disclose the amounts of or bases for any claims held by those alleged creditors. (Doc. Nos. 22 and 35).

8. On February 28, 2024, the Debtor appeared for the meeting of creditors in his case. No creditors appeared at that meeting. Exhibit A, § 341 Tr., 2/28/2024 at 5.

9. On March 20, 2024, the Debtor appeared for the continued meeting of creditors in his Case (the "Creditors' Meeting"). When asked about the representations in his papers at the Creditors' Meeting, the Debtor asserted the Fifth Amendment privilege, refusing to answer questions as to the extent and nature of his assets. Exhibit B, § 341 Tr., 3/20/2024 at 7, 10, & 11. Trustee Culp informed the Debtor that, because he had invoked the Fifth Amendment privilege,

she would object to his discharge. *Id.* at 13. Thereafter, Trustee Culp entered a report of the Creditors' Meeting on the Case docket indicating that the Debtor had been sworn.

10. The deadline for objections to discharge in the Debtor's Case was April 29, 2024. (Doc. No. 8).

11. On April 29, 2024 (the "Reassignment Date"), the Court entered an Order reassigning this Case to the Trustee. (Doc. No. 33).

12. As of the Reassignment Date, no entry had been made on the docket report to indicate whether assets were available to be administered or, conversely, that this Case is a no-asset case. Additionally, no objection to discharge had been filed by that date.¹

13. Following the Reassignment Date, on May 2, 2024, the Trustee received a recording of the Creditors' Meeting and learned that the Debtor had invoked the Fifth Amendment in response to questions regarding his assets. Other responses by the Debtor to Trustee Culp's questions did not make sense in the context of a bankruptcy proceeding. *See* Ex. B.

14. On April 30, 2024, the Debtor filed his financial management course certificate. (Doc. No. 34).

15. On May 6, 2024, the Court entered an *Order of Discharge* (the "Discharge Order") in this Case. (Doc. No. 39).

16. On May 7, 2024, the Debtor filed a motion requesting allowance of \$260,000 in attorneys' fees for representing himself in this Case (the "Fee Motion"). (Doc. No. 40). On May

¹ The Trustee is aware that Trustee Culp had drafted a complaint objecting to discharge before she was required to take medical leave. The Trustee is likewise informed that the Bankruptcy Administrator and Trustee Culp had discussed the possibility of the Bankruptcy Administrator taking action in Trustee Culp's stead, either through her own complaint objecting to discharge or a motion to dismiss; however, in her haste to transition this and numerous other cases to the Trustee, the Bankruptcy Administrator neglected to act before the entry of the discharge order.

13, 2024, the Court entered its *Order Denying Pro Se Debtor's Application for Attorney's Fees*, denying the Fee Motion. (Doc. No. 45).

REQUEST FOR RELIEF

17. The Trustee requests that the Court enter an Order closing the Debtor's bankruptcy case without a final report ("Final Report") or notice of no distribution ("NDR").

BASIS FOR RELIEF

18. This Motion is brought pursuant to 11 U.S.C. § 105(a), which permits the Court to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [Title 11]." § 105(a). Section 343 of the Bankruptcy Code requires bankruptcy debtors to "appear and submit to examination under oath at the meeting of creditors" that is to be conducted pursuant to Section 341. 11 U.S.C. § 343 & 341. Given the Debtor's refusal to testify as to the information in his bankruptcy papers in compliance with Sections 343 and 341 and thereby provide information essential to the administration of this case, the Court has the equitable authority pursuant to Section 105(a) to close the Debtor's case without the necessity of a Final Report or an NDR.

ARGUMENT

19. This Motion reflects an extraordinary request for relief necessitated by a confluence of events in the case of a *pro se*, ill-informed Debtor regarding the discharge deadline and Case reassignment occurring on the same date. As a result of that unfortunate timing, the Trustee was not afforded the chance to review the Debtor's Case to determine whether an objection to discharge would be appropriate before that deadline ran and the Discharge Order was entered.

20. Debtors who voluntarily file bankruptcy schedules under penalty of perjury waive any privilege with respect to questions relating directly to the information that they voluntarily

disclose in their bankruptcy papers. *In re Schamens*, Case No. 23-10483, Doc. No. 141, (Bankr. M.D.N.C. Jan 16, 2024) (Kahn, J.). Debtors who have a genuine fear of self-incrimination may assert the Fifth Amendment privilege in the context of a bankruptcy case or, alternatively, be granted immunity pursuant to 11 U.S.C. § 344. *In re Martin-Trigona*, 732 F.2d 170, 175 (2d Cir. 1984, *cert. denied* 469 U.S. 459 (1984)). But in instances where the debtor has “no real apprehension” as to prosecution in a criminal proceeding, “the trustee is entitled to a full and fair examination” of the debtor and disclosure of the debtor’s assets. *In re Johnson*, 18 F.2d 965 (E.D.N.Y. 1926).

21. Here, the Debtor was questioned as to information he put down in his bankruptcy papers regarding his assets and any trusts in which he might hold an interest. Thus, this case falls squarely within the holding in *Schamens*, and the Debtor’s invocation of the Fifth Amendment privilege was inappropriate.

22. Nevertheless, in the Trustee’s view, it would be a futile exercise to attempt to question the Debtor further regarding the property of his bankruptcy estate, for example, in a Rule 2004 examination. The Debtor has displayed a profound lack of understanding of the purposes of bankruptcy filings and the relief that can be obtained in a bankruptcy proceeding. His assertions that he seeks to “Regain control of ALL TITLES, RIGHTS, INTEREST, and Equity due to the PRINCIPAL” make no sense in any context, but particularly in a bankruptcy case. (Doc. No. 19 at 11-12). Additionally, the Debtor has repeatedly referred to himself in the third person, going as far as to request attorney fees for representing his “client,” displaying fundamental confusion as to his role in this Case. *See* Fee Motion at 3.

23. Based on the representations in the Debtor’s Amended Papers, he does not own any assets that could not be claimed exempt. But because the Debtor claimed no exemptions and

subsequently refused to respond to questions regarding the extent and nature of his assets, the Trustee is unable to file an NDR and represent to the Court that there are, in fact, no assets to be administered for the benefit of creditors.

24. In sum, the Trustee, having inherited this Case, has been put in a bind due primarily to issues of timing rather than fault on anyone's part. She cannot sign off on a statement to the Court that there are no assets to be distributed in this Case, nor does it appear that further investigation would lead to the discovery of assets to be administered necessitating a Final Report. Accordingly, the Trustee requests that the Court close this Case without requiring either action on her part.

WHEREFORE, the Trustee prays that the Court will enter an Order granting this Motion, directing that this Case be closed without a Final Report or a Report of No Distribution, and providing such further relief as is just and proper.

This is the 15th day of May, 2024.

/s/ A. Cotten Wright

A. Cotten Wright (State Bar No. 28162)
Grier Wright Martinez, PA
521 E. Morehead St., Ste. 440
Charlotte, North Carolina 28202
Telephone: 704.375-3720
Fax: 704.332.0215
Email: cwright@grierlaw.com

Trustee

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE: . Case No. 24-30108
. Chapter 7
JOHNNY MARCANO, .
. Debtor. .
. .
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TRANSCRIPT OF 341 MEETING OF CREDITORS

BEFORE HEATHER W. CULP
CHAPTER 7 TRUSTEE

WEDNESDAY, FEBRUARY 28, 2024

1 APPEARANCES:

2 For the Debtor: Johnny Marcano, *pro se**

3 Chapter 7 Trustee: Essex Richards, P.A.
4 By: Heather W. Culp*
5 1701 South Boulevard
Charlotte, NC 28203
(704) 377-4300

6 Court Recorder: Clerk's Office
7 U.S. Bankruptcy Court
401 West Trade Street
Charlotte, NC 28202

8
9 Transcription Service: APLST, Inc.
6307 Amie Lane
10 Pearland, TX 77584-2601
(713) 637-8864

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23 *All appearances via Zoom.

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25 Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 (Time Not Noted)

2 MS. CULP: Mr. Marcano, this is Heather Culp. Can
3 you hear me okay?

4 (No response)

5 MS. CULP: I think you can hear me. You'll need
6 to take yourself off of mute. There should be a red icon on
7 the bottom left corner, a red microphone on the left corner
8 of your screen. If you can see that and hit that, you'll
9 take yourself off of mute and we can get started.

10 (Pause)

11 MS. CULP: Can you hear me?

12 (No response)

13 MS. CULP: Okay, I can't hear you because you're
14 muted.

15 MR. MARCANO: Can you hear me?

16 MS. CULP: There we go. Very good. I can hear
17 you now.

18 We'll call the case of Johnny Marcano, 24-30108.

19 Sir, if you'll raise your right hand? Do you
20 swear or affirm that the testimony that you'll give in this
21 hearing will be the truth, the whole truth, and nothing but
22 the truth?

23 MR. MARCANO: Yes, ma'am.

24 MS. CULP: Very good. You'll need to speak up
25 just a little bit so we can pick up your voice for the

1 recording. Okay?

2 MR. MARCANO: Okay.

3 MS. CULP: Can you state your full name for the
4 record, please, and just the last four digits of your Social
5 Security number?

6 MR. MARCANO: Johnny Marciano, 8796.

7 MS. CULP: And you're here representing yourself
8 today, right? You don't have an attorney?

9 MR. MARCANO: Right.

10 MS. CULP: Is there anyone in the room with you?

11 MR. MARCANO: No, ma'am.

12 MS. CULP: Okay. Did you receive and have an
13 opportunity to review the Statement of Information?

14 MR. MARCANO: No. For some reason, the letters
15 that were sent to me were kicked back to the bankruptcy
16 office for some reason. But I picked them up today. I also
17 picked up the paperwork that you -- that I sent you today, as
18 well.

19 So all I did was look over this stuff what they
20 gave me at the Bankruptcy Court today. Earlier today.

21 MS. CULP: The Statement of Information was
22 attached to an email that you should have received on Monday,
23 telling you how to log on. Did you receive that email?

24 MR. MARCANO: As far as the Zoom goes, yes.

25 MS. CULP: Yeah. Okay. Then you received the

1 Statement of Information.

2 And let the record reflect there are no creditors
3 here for the Marciano hearing. The Bankruptcy Administrator,
4 Shelley Abel, is logged on, and she may or may not have
5 questions for you.

6 Mr. Marciano, did anyone help you prepare the
7 papers that you filed with the Court?

8 MR. MARCANO: No.

9 MS. CULP: Do you owe, or are you responsible to
10 pay, any child support or alimony?

11 MR. MARCANO: No.

12 MS. CULP: And to the best of your knowledge, is
13 everything that you have filed with the Court complete and
14 correct? All of the information in it?

15 MR. MARCANO: Yes, ma'am.

16 MS. CULP: Are there any changes to your papers
17 that you feel like you need to make that you want to tell me
18 about today?

19 MR. MARCANO: I want to add -- on Friday, I'll be
20 able to add some more creditors to the creditors' list.

21 MS. CULP: Okay. Any other changes?

22 MR. MARCANO: As far as the case goes, or as far
23 as what I'm --

24 MS. CULP: As far as the papers that you filed
25 with the Court. Are there any -- anything you left out, or

1 any mistakes that you think you want to correct and tell me
2 about today? It's important that everything that gets filed
3 is accurate.

4 MR. MARCANO: I'm pretty sure I added -- I added
5 in December, some time in December, I cashed out what I had
6 in a 401(k), which is about \$2,000.00, \$2,200.00. After
7 taxes it was about \$1,900.00.

8 But I included that in the packet as far as what I
9 made during that time period. So.

10 MS. CULP: Okay.

11 MR. MARCANO: I did want to make sure that was
12 fine.

13 MS. CULP: Okay. It sounds like you put that in
14 your papers, and if that's accurate, you did a good job.

15 MR. MARCANO: Thank you.

16 MS. CULP: So to the best of your knowledge, sir,
17 of the papers that you filed with the Court, everything in
18 there is correct and complete, right?

19 MR. MARCANO: Yes, ma'am.

20 MS. CULP: What is your current mailing address?
21 I noticed that mail is not getting through to you from the
22 Court.

23 MR. MARCANO: Yeah, I don't know why. I should
24 just change the mailing address today at the Bankruptcy
25 Courthouse because the mail is not going through. So I

1 updated it to 5830 Reddman Road, Apartment 5A, Charlotte,
2 North Carolina, 28212.

3 MS. CULP: 5830. Is it Redman Road, R-e-d-m-a-n?

4 MR. MARCANO: It's two Ds. R-e-d-d-m-a-n.

5 MS. CULP: Road, Apartment 5A?

6 MR. MARCANO: Yes, ma'am.

7 MS. CULP: 28212.

8 MR. MARCANO: Right.

9 MS. CULP: Let me see if that got filed with the
10 Court. Give me just a minute, sir.

11 MR. MARCANO: Okay. It should have. I did it
12 this morning.

13 (Pause)

14 MS. CULP: You filed a statement about an eviction
15 judgment against you. Let me look at that.

16 MR. MARCANO: Well, I also filed for 101(b) today.

17 (Pause)

18 MS. CULP: Yeah, that is 101(b). That's the
19 statement about the eviction. Did you file anything else, or
20 did you just file this one document?

21 MR. MARCANO: That was it. I filed -- I'm going
22 to go back on Friday and file the rest of this paperwork here
23 with -- but I only filed -- I filed 101(b), and I gave them a
24 copy of my judgment.

25 MS. CULP: A copy of your what?

1 MR. MARCANO: Judgment.

2 MS. CULP: Okay. That must have just come
3 through. I didn't see it. Okay. My paralegal just handed
4 me the name and address change that you filed. It had not
5 come through yet, but we've got that now.

6 So good. Everybody should be able to get mail to
7 you now.

8 MR. MARCANO: Okay. Great.

9 MS. CULP: You mentioned in one of your emails to
10 me that your ex-wife received some papers about some tax
11 debt.

12 MR. MARCANO: Yes.

13 MS. CULP: You don't owe her any child support or
14 alimony, do you?

15 MR. MARCANO: No, ma'am.

16 MS. CULP: Okay.

17 MR. MARCANO: I believe, I'm not sure, but I
18 believe she's filed -- she responded to the paperwork. I'm
19 not sure what's going on. I'll have to speak to her.

20 MS. CULP: Okay.

21 MR. MARCANO: But she said she responded to it.

22 MS. CULP: And you sent me an email on February
23 22nd telling me that you wanted to talk about the tax
24 returns. Do you remember that, where we had asked for a copy
25 of the two most recent tax returns?

1 MR. MARCANO: Yeah. I sent them yesterday
2 priority mail with a certified mail stamp and a return
3 receipt. They said you'll receive it today.

4 MS. CULP: Okay.

5 MR. MARCANO: The reason why I wanted to speak to
6 you concerning that, because in 2021 I did not file, but I
7 made less than \$12,000.00 that year. So I wasn't obligated
8 to file.

9 So I sent you a notice. The notice just says that
10 there is no filing.

11 MS. CULP: Okay. I understand. I appreciate that
12 explanation. So you would have just mailed us a copy of
13 2022, is that right?

14 MR. MARCANO: 2022 and 2021. Yeah.

15 MS. CULP: Were you required to file a tax return
16 in 2022?

17 MR. MARCANO: Yes. Which I did.

18 MS. CULP: Okay. And you mailed me a copy of
19 that?

20 MR. MARCANO: State and Federal, a legible copy of
21 each one, for 2022. For 2021, it's State and Federal, but
22 it's just the little note saying that, you know, I didn't
23 file.

24 MS. CULP: Good. I understand. That sounds good.
25 I emailed you, I think it was Monday. I'm losing

1 track of time. I know we emailed, it may be yesterday, that
2 we're missing a few other documents.

3 And also, you hadn't filed your Schedules at that
4 point in time. It sounds like maybe you filed them today, or
5 are getting ready to file them?

6 MR. MARCANO: No, Friday. I'm going to file them
7 on Friday.

8 MS. CULP: Okay.

9 MR. MARCANO: I was going to do it today, but I
10 just wanted to double check and make sure I have everything
11 that they wanted. So when I do it again, when I submit it,
12 it has everything that they want.

13 MS. CULP: Okay. Let me pull up the email of what
14 I needed from you to make sure we're on the same page.

15 MR. MARCANO: You wanted a copy of the driver's
16 license or a passport. I sent you, along with the tax
17 paperwork, I sent you the passport.

18 MS. CULP: Okay.

19 MR. MARCANO: I also sent you a copy of the
20 registration for the vehicle.

21 MS. CULP: Okay.

22 MR. MARCANO: And I also sent the last itemized
23 statement that I received from Santander.

24 MS. CULP: Okay. That should be everything that
25 we're missing then.

1 MR. MARCANO: Right.

2 MS. CULP: I'm going to continue your hearing, Mr.
3 Marcano, to 11:00 a.m. on March 20th. That's a Wednesday.
4 Can you log back on to Zoom then so that I can review what
5 you send me, and we'll try to finish your hearing then?

6 MR. MARCANO: Sure. March the 20th, you said?

7 MS. CULP: Yes. Wednesday, March 20th, at 11:00
8 a.m.

9 MR. MARCANO: Wednesday, March 20th, 11:00 a.m.
10 No problem. I can definitely make that time.

11 MS. CULP: Okay, good. I'm going to count on you
12 to get those documents filed with the Court this week, and
13 I'm going to trust that we'll get everything in the mail from
14 you this week.

15 If we don't get the documents by mail this week,
16 I'll let you know and we'll decide how to move forward. I
17 can't do anything without those papers. Okay?

18 MR. MARCANO: Right. You're talking about the
19 State tax, Federal tax, and passport.

20 MS. CULP: Right.

21 MR. MARCANO: They told me it should be there
22 today.

23 MS. CULP: That's great. And we'll look for your
24 Schedules to be filed with the Court.

25 And we'll see you on March 20th at 11:00 a.m.,

1 okay?

2 MR. MARCANO: Great.

3 MS. CULP: All right. Thank you. We'll see you
4 then. You're all done.

5 MR. MARCANO: Thank you. Bye.

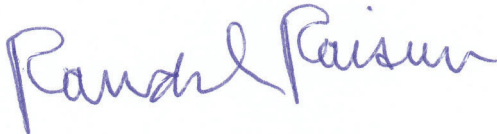
6 MS. CULP: Bye bye. And that concludes today's
7 hearings.

8 (Time Not Noted)

9 * * * * *

10 CERTIFICATE

11 I, RANDEL RAISON, certify that the foregoing is a
12 correct transcript from the official electronic sound
13 recording of the proceedings in the above-entitled matter, to
14 the best of my ability.

15 
16

17 _____ May 10, 2024

18 Randel Raison

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1 UNITED STATES BANKRUPTCY COURT

2 WESTERN DISTRICT OF NORTH CAROLINA

3 CHARLOTTE DIVISION

4 IN RE: . Case No. 24-30108

5 . Chapter 7

6 JOHNNY MARCANO, .

7 Debtor. .

8

9

10 **TRANSCRIPT OF CONTINUED 341 MEETING OF CREDITORS**

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12

13 BEFORE HEATHER W. CULP

14 CHAPTER 7 TRUSTEE

15 WEDNESDAY, MARCH 20, 2024

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1 APPEARANCES:

2 For the Debtor: Johnny Marcano, *pro se**

3 Chapter 7 Trustee: Essex Richards, P.A.
4 By: Heather W. Culp*
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10 Pearland, TX 77584-2601
(713) 637-8864

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23 *All appearances via Zoom.

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25 Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 (Time Not Noted)

2 MS. CULP: Mr. Marcano, we'll go ahead and call
3 your case. Johnny Marcano, 24-30108.

4 If you'll raise your right hand, sir? Do you
5 swear or affirm that the testimony you'll give in this
6 hearing will be the truth, the whole truth, and nothing but
7 the truth?

8 (No response)

9 MS. CULP: You'll need to raise your right hand
10 for me, okay? You have to take yourself off of mute first.
11 I'm sorry, I didn't realize you've got yourself on mute.

12 (Pause)

13 MS. CULP: You're still muted. There should be a
14 little red microphone, icon maybe, bottom left of your
15 screen. There we go.

16 Okay. So do you swear or affirm that the
17 testimony you'll give in this hearing will be the truth, the
18 whole truth, and nothing but the truth?

19 MR. MARCANO: I do.

20 MS. CULP: Very good. You can put your hand down.
21 If you'll state your full name for the record?

22 MR. MARCANO: Johnny Marcano.

23 MS. CULP: And there are no creditors present for
24 this hearing. Mr. Marcano, is there anyone else in the room
25 with you?

1 MR. MARCANO: I am the creditor, but no one else
2 is in the room.

3 MS. CULP: You're not a creditor. You're the
4 Debtor. You're the person that owes money and filed for
5 bankruptcy. So you're not a creditor.

6 MR. MARCANO: I'm a creditor going through the
7 process. But we can continue.

8 MS. CULP: What?

9 MR. MARCANO: I'm a creditor going through a debt
10 process. But we can continue.

11 MS. CULP: Who owes you money? That's what it
12 means to be a creditor, if someone owes you money. If you're
13 a creditor, tell me who owes you money.

14 MR. MARCANO: I extended credit to the banks,
15 affiliate parties, and I was left out of it. The borrower,
16 the principle borrows money, which is defined as the banks,
17 deposited into the banks, are borrowers. They are the ones
18 who go borrow. That's supposed to bring it back to me, the
19 person who provided the secure collateral to them.

20 But, by the way, I know that you know about it.
21 So we can continue.

22 MS. CULP: What banks owe you money for your
23 collateral? Can you tell me a little bit about that?

24 MR. MARCANO: Well, Amber Lakes Apartments, the
25 affiliate party here, I believe their bank is HomeTown Bank.

1 They owe me money.

2 MS. CULP: How much?

3 MR. MARCANO: A lot of banks. A lot of banks owe
4 me money.

5 MS. CULP: Let's start with the apartment. How
6 much does the apartment bank owe you?

7 MR. MARCANO: Well, let's say -- I'd say about --
8 February, March, April, May, June, July, August, September.
9 I'd say about nine months worth of rent.

10 MS. CULP: And why is that?

11 MR. MARCANO: Because I double paid. The
12 contingency for these affiliate parties is that you have to
13 double pay to stay. And that's not right.

14 But that has nothing to do with our bankruptcy,
15 so.

16 MS. CULP: It does, actually, sir. There's a part
17 on the bankruptcy papers that asks if anyone owes you any
18 money. That's something you're supposed to disclose.

19 Who else owes you money? You said there's a lot
20 of banks. Tell me who else?

21 MR. MARCANO: Everyone else who has taken money
22 out of my estate owes me money.

23 MS. CULP: Who is taking money out of your estate?

24 MR. MARCANO: Everyone who received the secure
25 collateral. It's a lot of people.

1 MS. CULP: Who received secure collateral, and
2 what collateral did they receive?

3 MR. MARCANO: Oh. You're talking about 20 years
4 or so or more. So I can't list them here right now. But I
5 do know --

6 MS. CULP: Tell me in the last three years what
7 banks have taken collateral from you or owe you money?

8 MR. MARCANO: What I would like to know is: Why
9 was the motion to stay lifted prematurely? I saw the ones
10 that was --

11 MS. CULP: I'm the person asking the questions
12 today, Mr. Marciano. Let's try to stay focused so we can get
13 this over with and get you out of here. Okay? I want to be
14 respectful of your time.

15 Let's go back to banks that owe you money or owe
16 you for collateral, let's say for the past three years?

17 MR. MARCANO: I'm going through a debt process.
18 So.

19 MS. CULP: You're what?

20 MR. MARCANO: I'm going through a debt process.
21 I'm getting everything discharged. So I don't know.

22 MS. CULP: I have some say of whether you get a
23 discharge, sir. I'm trying to be very respectful of you and
24 trying to understand your situation.

25 MR. MARCANO: Okay.

1 MS. CULP: I'm going to ask you one more time.

2 What banks have taken collateral from you or owe you money
3 over the last three years?

4 MR. MARCANO: Excuse me?

5 MS. CULP: You said that banks owe you money for
6 secured collateral for 20 years. Let's talk about the last
7 three years. What collateral or what money have they taken
8 from you?

9 MR. MARCANO: I plead the Fifth.

10 MS. CULP: And who is it?

11 MR. MARCANO: I plead the Fifth.

12 MS. CULP: You're pleading the Fifth?

13 MR. MARCANO: Yep.

14 MS. CULP: Okay. Have you ever owned any crypto?

15 MR. MARCANO: No.

16 MS. CULP: Crypto currency?

17 MR. MARCANO: No.

18 MS. CULP: Digital assets?

19 MR. MARCANO: No.

20 MS. CULP: NFTs?

21 MR. MARCANO: No.

22 MS. CULP: Can you tell me -- let me pull your
23 bank statement here. I didn't write it down. Give me just a
24 minute.

25 (Pause)

1 MS. CULP: You sent us an LJT bank statement, your
2 LLC. There's a transaction on January 16, 2024, to ARC
3 RYPTO-IO. Do you know who that is, and what you made a
4 payment for?

5 MR. MARCANO: Well, I actually got a refund for
6 that. I was refunded that.

7 MS. CULP: What was that for?

8 MR. MARCANO: Liquidity pool.

9 MS. CULP: That's what R-cryptio is?

10 MR. MARCANO: ARC Wealth X. And I got a refund.
11 I didn't receive -- I got a refund for the money that I had
12 invested in there.

13 MS. CULP: How much did you invest?

14 MR. MARCANO: \$498.00. That's what I had
15 refunded. \$498.00.

16 MS. CULP: And that's the only money you've ever
17 invested in your whole life?

18 MR. MARCANO: Correct?

19 MS. CULP: With them?

20 MR. MARCANO: Correct.

21 MS. CULP: What was it for. You said it was a
22 liquidity pool. I don't fully understand what that means.

23 MR. MARCANO: I don't understand it either.
24 That's why I got a refund.

25 MS. CULP: Okay. You put in your papers that you

1 didn't have any bank accounts when you filed your bankruptcy.
2 But you did give us a statement from Bank of America. Did
3 you have any other bank accounts anywhere other than Bank of
4 America when you filed your case?

5 MR. MARCANO: I gave you a copy of all of my bank
6 accounts. You have them. You have the Chase account, you
7 have the LJT Brand account, and you have the Bank of America
8 account. You have them.

9 MS. CULP: Did you own any other bank accounts on
10 the day that you filed your bankruptcy?

11 MR. MARCANO: Bank accounts? No.

12 MS. CULP: Did you have any other financial
13 accounts at all?

14 MR. MARCANO: I have a CashApp account.

15 MS. CULP: Okay. What else do you have?

16 MR. MARCANO: That I use? Nothing.

17 MS. CULP: I'm just asking what other accounts you
18 had on the day that you filed your bankruptcy. We have
19 CashApp, Bank of America, and your LLC had a Chase business
20 account. Did you have anything to do with any other bank
21 accounts on the day you filed your bankruptcy?

22 MR. MARCANO: Not that I'm aware of.

23 MS. CULP: Okay. You answered in your papers that
24 you have a trust, either one or more trusts. Can you tell me
25 about that? What trusts do you own or have an interest in?

1 MR. MARCANO: I don't have a trust at this time.

2 At this particular time I don't have the trust.

3 MS. CULP: Have you ever had a trust?

4 MR. MARCANO: Not when I filed.

5 MS. CULP: Okay. You said you did, and then you

6 wrote that you're reclaiming all titles, rights, interests,

7 equity line due to principal. What does that mean?

8 MR. MARCANO: I was not in control of the trust.

9 The trust belongs to me, but it was petitioned to be taken

10 away from me, which was granted. But I've already petitioned

11 to get it back.

12 MS. CULP: So let's talk about that. What trust

13 is this? Did you create the trust, or someone else?

14 MR. MARCANO: Someone else.

15 MS. CULP: Who created it?

16 MR. MARCANO: I plead the Fifth.

17 MS. CULP: And you said it was taken away. Who

18 took it away?

19 MR. MARCANO: I plead the Fifth.

20 MS. CULP: Did you put any property in the trust

21 yourself?

22 MR. MARCANO: I plead the Fifth.

23 MS. CULP: Have you ever owned any life insurance,

24 sir?

25 MR. MARCANO: No.

1 MS. CULP: Sitting here today, are you owed any
2 property from someone who has died?

3 MR. MARCANO: I'll plead the Fifth.

4 MS. CULP: Tell me about LJT Brands. What does it
5 do?

6 MR. MARCANO: It's out of commission right now.
7 It does nothing. It hasn't generated a dollar.

8 MS. CULP: What did it do when it was operating,
9 if it ever operated?

10 MR. MARCANO: I didn't generate not one dollar.

11 MS. CULP: Okay. You put retail in some of your
12 papers. Is that what it was supposed to be doing?

13 MR. MARCANO: Yes.

14 MS. CULP: Does it have a website? Has it ever
15 had a website?

16 MR. MARCANO: No.

17 MS. CULP: Does it have any inventory or other
18 property?

19 MR. MARCANO: No. It never launched.

20 MS. CULP: Have you ever filed for bankruptcy
21 before?

22 MR. MARCANO: Nope.

23 MS. CULP: When were you last employed, sir?

24 MR. MARCANO: September-October of last year.

25 MS. CULP: And who did you work for?

1 MR. MARCANO: Greif Core Choice.

2 MS. CULP: Okay. I saw a payroll deposit from
3 them in November, so that makes sense to me.

4 Do you remember receiving a deposit to your Bank
5 of America account in December in the amount of \$1,981.74
6 from Principal Trust?

7 MR. MARCANO: I do. I added that in my Schedules.
8 That was the \$1,900.00 from my 401(k) that I took out.

9 MS. CULP: Okay. All right. Give me just a
10 moment here.

11 (Pause)

12 MS. CULP: Okay. I need for you, sir, to email me
13 your CashApp statements for the 90 days prior to the
14 bankruptcy filing.

15 MR. MARCANO: Okay.

16 MS. CULP: That's a bank account or a financial
17 account, and we're supposed to get all of those.

18 MR. MARCANO: They said if it's less than
19 \$2,000.00 you don't have to report it. If it's less than
20 \$2,000.00 in an account, it's not a issue.

21 MS. CULP: That's not correct. You may not have
22 to report it on your tax returns, but you have to report it
23 to the bankruptcy. So I'll need for you to get the 90 days
24 prior to the bankruptcy filing for me. It would probably be
25 easiest for you if you just give me January, December, and

1 November, because you filed on February 1st.

2 MR. MARCANO: You said January?

3 MS. CULP: And I'm going to let you know -- I'm
4 sorry?

5 MR. MARCANO: You said November, December, and
6 January?

7 MS. CULP: Right. That would be the 90 days
8 before the filing, because you filed on February 1st.

9 MR. MARCANO: Okay.

10 MS. CULP: And I'm just going to let you know I'm
11 going to go ahead and object to your discharge because you
12 pled the Fifth to several questions today. You'll receive a
13 copy of that in the mail. Okay?

14 MR. MARCANO: I want to move for appeal.

15 MS. CULP: Okay. That's your right.

16 MR. MARCANO: I would like to appeal.

17 MS. CULP: That's your right. I don't know if you
18 and I will speak again. I wish you very good luck, sir,
19 okay?

20 MR. MARCANO: Same to you.

21 MS. CULP: All right. Take care. Bye bye.

22 MR. MARCANO: Bye.

23 (Time Not Noted)

24 * * * * *

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CERTIFICATE

I, RANDEL RAISON, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of my ability.



May 10, 2024

Randel Raison

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

In re:

JOHNNY MARCANO,

Debtor.

Case Number: 24-30108

Chapter 7

NOTICE OF HEARING

TAKE NOTICE that on **June 3, 2024 at 9:30 a.m.**, the Court will conduct a hearing on the *Trustee's Motion for Order Closing this Case Without a Final Report or Report of No Distribution* (the "Motion"), which was filed by A. Cotten Wright, the chapter 7 trustee in this case on May 15, 2024. In the Motion, the Trustee seeks entry of an order directing this case be closed without a Final Report or a Report of No Distribution.

If you do not want the Court to grant the Motion, or if you want the Court to consider your views on the Motion, then on or before **May 30, 2024**, you or your attorney must do three things:

1. **File a written response with the court explaining your position at:**

U.S. Bankruptcy Court
401 West Trade Street, Suite 2500, Charlotte, NC 28202

2. **On or before the date stated above for written responses, you must also mail or email a copy of your written response to:**

A. Cotten Wright
Grier Wright Martinez, PA
521 East Morehead Street, Suite 440, Charlotte, NC 28202
cwright@grierlaw.com

3. **Attend the hearing scheduled for June 3, 2024 at 9:30 a.m.** in Courtroom 2B, United States Bankruptcy Court, 401 West Trade Street, Charlotte, NC.

This is the 15th day of May, 2024.

/s/ A. Cotten Wright

A. Cotten Wright (State Bar No. 28162)
Grier Wright Martinez, PA
521 E. Morehead Street, Suite 440
Charlotte, NC 28202
Telephone: (704) 375-3720
cwright@grierlaw.com

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

In re:

JOHNNY MARCANO,

Debtor.

Case Number: 24-30108

Chapter 7

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *Trustee's Motion for Order Closing this Case Without a Final Report or Report of No Distribution and Notice of Hearing* was served by electronic service on those parties registered with the United States Bankruptcy Court for the Western District of North Carolina ECF system to receive notices in this case and by mail to those listed on the attached mailing matrix for this case at the addresses indicated.

This is the 15th day of May, 2024.

/s/ A. Cotten Wright

A. Cotten Wright

Grier Wright Martinez, PA

521 E. Morehead Street, Suite 440

Charlotte, NC 28202

Label Matrix for local noticing
0419-3
Case 24-30108
Western District of North Carolina
Charlotte
Wed May 15 13:50:42 EDT 2024

Aetna
151 Farmington Ave
Hartford, CT 06156-0002

Allied University Security
10735 David Taylor Dr
Charlotte, NC 28262-1060

Amazon Corporate
410 Terry Ave N
Seattle, WA 98109-5210

Amber Lake Apartments, LLC
1015 East Boulevard
Charlotte, NC 28203-5713

Amberlake Apartment LLC
5826 Reddman Rd
Charlotte, NC 28212-3679

Ambetter
4349 Easton Way Suite 300
Columbus, Ohio 43219-0001

(p)AMICA MUTUAL INSURANCE COMPANY
100 AMICA WAY
LINCOLN RI 02865-1156

Assurance Wireless
P.O. Box 5040
Charleston, IL 61920-5040

Atrium Health University City
8800 N Tryon St
Charlotte, NC 28262-3300

Avebury
2410 Allerton Way
Charlotte, NC 28213-4189

Bank of America Corporate Center
100 N Tryon St
Charlotte, NC 28202-2135

Blue Cross and Blue Shield
8156 S. Tryon St
Charlotte, NC 28273-3569

Bluevine
30 Montgomery Street
Jersey City, NJ 07302-3857

Byrider Charlotte
7401 South Blvd
Charlotte, NC 28273-5907

C.R. England
4701 W 2100 S
Salt Lake City, UT 84120-1223

CSL Plasma
5500 Central Ave
Charlotte, NC 28212-2708

Caldwell University
120 Bloomfield Ave
Caldwell, NJ 07006-5310

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Capital One Auto Finance
3905 N Dallas Parkway
Plano, TX 75093-7892

Chase Bank
112 S Tryon St STE 100
Charlotte, NC 28284-1104

Coca Cola Bottling Co
5001 Chesapeake Dr
Charlotte, NC 28216-2936

Consumer Portfolio Services
199500 Jamboree Rd
Irvine, CA 92612

Credit One Bank Corporate
6801 S Cimarron Rd
Las Vegas., NV 89113-2273

Crisis Assistance Ministry
500 A Spratt St
Charlotte, NC 28206-3235

DMSI Staffing
1000 Retail Drive
Fortmill, SC 29715-6201

Davis Commons
8415 University Station Cir
Charlotte, NC 28269-3310

Dr. Catherine B. Norton M.D
7920 Moores Chapel Rd
Charlotte, NC 28214-8923

Dr. Thomas Mundor F
1718 E 4th St #908
Charlotte, NC 28204-3281

Drive Time
3502 Willowrun Dr NE
Roanoke, VA 24012-6435

Duke Energy
526 S Church St
Charlotte, NC 28202-1802

Dutch Miller Kia
7725 South Blvd
Charlotte, NC 28273-5941

Ebay Headquarters
2025 Hamilton Ave
San Jose, California 95125-5904

Flagship Credit Acceptance
P.O. Box 3807
Coppell, TX 75019-5877

Food Basics
5559 Dundas St W
Etobicoke, ON M9B 1B9

Forem Facility Management
2-44 Cornelia St
Newark, NJ 07105-4511

Greenway at Mallard Creek
8230 Greenway Village Dr
Charlotte, NC 28269-8013

Greif CorrChoice
2215 Mulberry Rd
Concord, NC 28025-8951

Harris Pavilion
10425 Wheatside Dr
Charlotte, NC 28262-8118

Hatt Auto Sales
51 Elizabeth Ave
Elizabeth, NJ 07206-1632

Hendrick Kia
7550 Hendrick Auto Pl2 NW
Concord, NC 28027-8333

Internal Revenue Service
P.O. Box 7317
Philadelphia, PA 19101-7317

K-Mart (Hoffman Estates)
1900 Hassell Road
Hoffman Estates, IL 60169-6308

Kickoff
PO Box 28101
2550 Cerrillos Road
Sante Fe, New Mexico 87505-3260

Major Clean
448 Springbrook Rd
Charlotte, NC 28217-2145

Johnny Marcano
2525 Lassen Bay Pl
Apt 5A
Charlotte, NC 28215-7795

Mauser Packaging
701 Lawton Rd
Charlotte, NC 28216-3438

Mecklenburg County Sheriff Office
700 E 4th St
Charlotte, NC 28202-2886

Morris Jenkins
13725 S Ridge Dr
Charlotte, NC 28273-7279

(p)ARROW CREDIT
PO BOX 1145
MISSION SD 57555-1145

NC DOR
301 McCollough Dr
Charlotte, NC 28262-1335

NC Division of Employment Security Commissio
700 Wade Ave
Raleigh, NC 27605-1167

NC Works Career Cetner
8601 McApline Park Dr
Charlotte, NC 28211-6301

Nevin Glen Homeowners
16501 D Northcross Dr
Huntersville, NC 28078-5040

Newark Board of Education
765 Broad St
Newark, NJ 07102-3720

North Carolina Department of Revenue
Bankruptcy Unit
P.O. Box 1168
Raleigh, NC 27602-1168

Novant Health Presbyterian
Medical Center
200 Hawthorne LN
Charlotte, NC 28204-2515

One Main Financial
601 NW Second Street
Evansville, Indiana 47708-1013

Onstar Call Center
10101 Claude Freeman Dr
Charlotte, NC 28262-2674

Optum Bank
P.O. Box 60000
Newark, NJ 07101-8052

Paramount Staffing
810 Tyvola Rd
Charlotte, NC 28217-3592

Pathwood National Association
5501 S Broadband LN
Sioux Falls, SD 57108-2253

PayPal
2211 N 1st Street
San Jose, CA 95131-2021

Pennsylvania Turnpike Commission
300 East Park Drive
Harrisburg, PA 17111-2729

PeopleReady
141 Scaleybark Rd
Charlotte, NC 28209-2608

Piedmont Natural Gas
4339 S Tryon St
Charlotte, NC 28217-1733

Primary Residential
via Credit Tech RNC-50481
W Pontiac Trail
Wixom, MI 48393

Kevin Raus
Brownlee, Whitlow & Praet, PLLC
1850 E. Third Street
Suite 100
Charlotte, NC 28204-3234 *ect*

Regent Homes
8001 Arrowridge Blvd
Charlotte, NC 28273-5604

Roto Rooter
255 E 5th St #2500
Charlotte, NC 28202

Rutgers University
35 Warren St
Newark, NJ 07110

Saint Michael School
27 Crittenden St
Newark, NJ 07104-2601

Santander Consumer USA
P.O. Box 660633
Dallas, TX 75266-0633

(p)SELF INC
901 E 6TH STREET SUITE 400
AUSTIN TX 78702-3206

Shopify
151 O'Connor Street
Ground Floor
Ottawa, ON K2P 2L8

Spectrum
P.O. Box 6030
Carol Stream, IL 60197-6030

Spectrum Mobile
2415 Sam Wilson Rd
Charlotte, NC 28214

Squeegie Pros Inc
904 Brawley School Rd
Mooresville, NC 28117-8993

Staff Zone
308 Clanton Rd
Charlotte, NC 28217-1306

Stanly Community College
141 College Dr
Albemarle, NC 28001-7458

Stanton Optical Charlotte
6865 Albemarle Rd
Charlotte, NC 28212-3829

SyncbLowes PLLC
P.O. Box 71727
Philadelphia, PA 19176-1727

Synovusverv First digital
P.O. Box 85650
Sioux Falls, SD 57118-5650

(p)T MOBILE
C O AMERICAN INFOSOURCE LP
4515 N SANTA FE AVE
OKLAHOMA CITY OK 73118-7901

The Horizon Outlet
P.O. Box 1276
Indiana, Pennsylvania 15701-5276

Time Warner Cable
60 Columbus Circle
New York, NY 10023-5860

Trust Science via TSVS Auto
2875 University Parkway
Lawrenceville, GA 30043-6752

U.S. Bankruptcy Administrator Office
401 W. Trade Street
Suite 2400
Charlotte, NC 28202-1633 *ect*

UPS
55 Glenlake Pkwy NE
Atlanta, GA 30328-3474

Uber
1515 Third Street
San Francisco, CA 94158-2211

(p)US ATTORNEY'S OFFICE WDNC
227 W TRADE STREET
SUITE 1650
CHARLOTTE NC 28202-1698

University Village at Charlotte
9915 University Village Blvd
Charlotte, NC 28262-9169

Urban League of Central Carolinas
740 W 5th St
Charlotte, NC 28202-1408

Westlake Financial
4751 Wilshire Blvd #100
Los Angeles, CA 90010-3847

Wisely Direct
P.O. Box 9008
San Dimas, CA 91773-9008

Wonolo
9450 SW Gemini Dr
Beaverton, OR 97008-7105

Woodforest Bank
1330 Lake Robbins Dr Suite 100
The Woodlands, TX 77380-3267

Anna Cotten Wright
Grier Wright Martinez, PA
521 E Morehead Street
Suite 440
Charlotte, NC 28202-2623

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Amica
100 Amica Way
Lincoln, RI 02865

Capital One
15000 Capital One
Richmond, VA 23238

My Quick Wallet
P.O. Box 1146
Mission, SD 57555

Self Financial Inc
901 E 6th Street Suite 400
Austin, TX 78702

T-Mobile
12920 SE 38th Street
Bellevue, WA 98006

United States Attorney
227 West Trade Street
Carillon Bldg, Suite 1700
Charlotte, NC 28202-1648

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Principal
711 High Street
Des Moines, United States

End of Label Matrix	
Mailable recipients	97
Bypassed recipients	1
Total	98